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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,472	09/30/2005	Masahiro Miyauchi	1843.1007	4404
21171	7590	12/28/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER HAN, JASON	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/551,472

Applicant(s)

MIYAUCHI, MASAHIRO

Examiner

Jason M. Han

Art Unit

2875

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Sharon Payne
SHARON E. PAYNE
PRIMARY EXAMINER

SHARON E. PAYNE
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The prior art to Matsunaga et al. (U.S. Publication 2002/0142133 A1) and Blanchard (U.S. Patent 6,692,137 B2) remain commensurate to the scope of the claims as stated by the Applicant within the context of the body of the claim language and as broadly interpreted by the Examiner [MPEP 2111]. Applicant's arguments have also been fully considered, but are not persuasive.

In response to Applicant's argument, "the claimed invention is distinct from Matsunaga in containing a light diffusing agent in both of the base material layer and the coating resin layer" [Page 4], the Examiner applied a broad interpretation, whereby Matsunaga provides multiple layers (base and coating), each including the light transmitting thermoplastic resin and the light diffusing agent, in the following teaching: "an optical diffusing layer may be formed with two or more resin coated layers" [Paragraph 20].

In response to Applicant's argument concerning the thickness of the coating layer [Pages 4-5], it remains obvious to one of ordinary skill in the art at the time of invention to have modified the thickness of the resin coated layer to be between 20 to 200 μm , since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955). In this case, increasing the thickness/size of the resin coated layer to be from 20 to 200 μm would provide for an alternate optical effect (e.g., greater diffusion), in hopes of suppressing a regular reflection of outdoor daylight and to prevent a reflection of outside environment (having antiglare property), for the purpose of improving the visibility of pictures on displays (e.g., LCD surfaces). Matsunaga corroborates the palpable modification, "a thickness of a resin coated layer 2 is not especially limited" [Paragraph 30]. In addition, Matsunaga teaches that multiple resin coated layers 2 could be used [see above; Paragraph 20], whereby each has a thickness of 3 to 6 μm , which could easily add up to 20 μm or above.

In response to Applicant's argument concerning the obvious combination of Matsunaga in view of Blanchard [re: Claim 6; Pages 5-7], the Examiner maintains that it would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate the light diffusion plate of Matsunaga, which has a degree of brilliancy from 20 to 70, into the direct type backlight of Blanchard, in order to optically affect the illumination to a desired preference. Matsunaga corroborates, "In this case, the optical film by the present invention may be installed in one side or both sides of the liquid crystal cell. When installing the OPTICAL FILMS IN BOTH SIDES, they may be of the same type or of different type. Furthermore, in assembling a liquid crystal display, suitable parts, such as DIFFUSION PLATE, antiglare layer, antireflection film, protective plate, prism array, lens array sheet, OPTICAL DIFFUSING PLATE, and BACKLIGHT, MAY BE INSTALLED IN SUITABLE POSITION in one layer or two or more layers" [Paragraph 67; capitals added for emphasis]. Thus, Matsunaga provides clear motivation for providing the optical film into a direct backlight of Blanchard.

To recapitulate, the prior art remains commensurate to the scope of the claims as broadly interpreted by the Examiner. Insufficient context/limitations was provided in distinguishing the present application over said prior art, and the present proposed amendment does not place the application in better form for appeal by materially reducing or simplifying the issues for appeal, nor place the case in condition for allowance.